

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 10-281(1) (DWF/FLN)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Kevin Devon Wallace,
a/k/a Jermaine Willis,
a/k/a Eric Davis,

Defendant.

Allen A. Slaughter, Jr., Assistant United States Attorney, United States Attorney's Office,
counsel for Plaintiff.

Manvir K. Atwal, Assistant Federal Defender, Office of the Federal Defender, counsel for
Defendant.

This matter is before the Court upon Defendant Kevin Devon Wallace's
("Defendant") objections to Magistrate Judge Franklin L. Noel's Report and
Recommendation dated December 1, 2010, insofar as it recommends that:
(1) Defendant's Motion to Suppress Evidence Obtained as a Result of Search and Seizure
be denied; (2) Defendant's Motion to Suppress Statements, Admissions and Answers be
granted, in part, and denied, in part, as follows: (a) to the extent Defendant seeks to
suppress all pre-*Miranda* statements to law enforcement, the motion should be granted;
and (b) to the extent Defendant seeks to suppress any post-*Miranda* statements to law

enforcement, the motion should be denied. The Government has filed a Memorandum Responding to Defendant's Objection to the Report and Recommendation (Doc. No. [36]).

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Defendant's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Defendant Kevin Devon Wallace's objections (Doc. No. [34]) to Magistrate Judge Franklin L. Noel's Report and Recommendation dated December 1, 2010, are **DENIED**.

2. Magistrate Judge Franklin L. Noel's Report and Recommendation dated December 1, 2010 (Doc. No. [34]), is **ADOPTED**.

3. Defendant's Motion to Suppress Evidence Obtained as a Result of Search and Seizure (Doc. No. [16]) be **DENIED**.

4. Defendant's Motion to Suppress Statements, Admissions and Answers (Doc. No. [17]) is **GRANTED, in part**, and **DENIED, in part**, as follows:

a. To the extent Defendant seeks to suppress all pre-*Miranda* statements to law enforcement, the motion is **GRANTED**.

b. To the extent Defendant seeks to suppress any post-*Miranda* statements to law enforcement, the motion is **DENIED**.

Dated: January 4, 2011

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge